

**Prepared Remarks of FCC Acting Chairwoman Mignon L. Clyburn
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In building the future digital society, what kind of regulation is needed or will regulation still be needed to encourage investment and ensure competitiveness among all market players?

First, thank you to the ITU for inviting me to participate in this year's Global Symposium for Regulators. This is the third time I've attended the GSR. The fact that I keep coming back proves that I'm sincere when I say I'm happy to be here. Special thanks to Minister Boni, Chairwoman Gaj and all of our Polish hosts who have so graciously welcomed us into their country.

It's an honor to serve on this panel with my colleagues from around the world, and I look forward to hearing your views and working with you this week. As to the question of what kind of regulation is needed for our future digital society, I think the first step to answering that question is to answer the question: What is your agency's mission?

At the FCC, we see our mission as maximizing the benefits of communications technology for all our citizens. Obviously I'm biased, but I can think of no more important mission in today's 21st century digital economy. Noted economist Jeffrey Sachs of Columbia University has said, quote, "The information and communications technology revolution is surely the most powerful single force for economic development in the world today."

Wired and wireless broadband are a platform for new innovations that have already created millions of jobs across the world. Broadband enables small businesses to sell their product to anyone, anywhere; and it has enabled brand new industries – like the apps economy – to come out of nowhere. Broadband has the power to transform almost every sector our society: from education to health care to energy to transportation to civic participation in our politics.

To seize the opportunities of broadband and advance the FCC's mission, we're aggressively pursuing policies to ensure that all Americans have affordable access to broadband where they live and work; to make more spectrum available for broadband; to increase broadband speed and capacity; to promote competition and to empower consumers.

But going back to the original question of "what kind" of regulation is needed to advance our mission, I would say that there are five key characteristics of "smart regulation" in the digital age: Humility, Research, Collaboration, Transparency, and Review. And then some more humility. So maybe that's six if you want to count humility twice.

Let's start with humility. We must remember that technology always moves faster than our regulatory pen. When we do act we must address today's issues but also anticipate tomorrow's issues - and try not to inadvertently make things worse.

Next, research. At the FCC we believe smart regulation must be fact-based and data-driven. That's why we engage with stakeholders in civil society, industry, local governments, and foreign stakeholders to understand the marketplace, its successes and its problems. We also rely on our own internal research and analysis. In 2010, the Commission actually launched a Data Innovation Initiative

and appointed the agency's first-ever Chief Data Officer. As part of this effort, we're reviewing our data collections to determine which can be eliminated, which should be added and which should be improved.

Third, collaboration. Once we see a problem, whether it's sure to manifest itself in the coming months or is already upon us, we open a proceeding to determine whether a rule is needed. The proceeding invites comments and ideas from all stakeholders, and the Commission uses its authority to analyze the facts and points of view at hand.

Fourth, transparency. In many ways, this is related to multi-stakeholder collaboration, but I believe it is worth singling out. At the FCC we have taken a number of steps to open up the agency, for example, using new media technologies to both receive input from the public and to keep the public informed, as well as the unprecedented use of public hearings.

Fifth, review. We are in the midst of a significant shift in the communications landscape. Many changes have already occurred and many more ideas are going from concept to reality on a daily basis. We continuously review our rules to see which are outdated, no longer used, or don't fit the modern ICT landscape.

So what do these principles look like in practice? A few examples, starting with one of our most discussed policy innovations incentive auctions.

When I arrived at the Commission, it was just becoming clear that we were facing a looming spectrum shortage, with demand for mobile broadband skyrocketing and no new airwaves for broadband in the pipeline. After thorough review, it was also clear that our current spectrum allocations were based on a world that no longer existed. Notably, the allocations for TV broadcasters were based on a time when everyone got programming through free over-the-air broadcasting, but today that number is closer to 10 percent in the U.S.

So, as part of our open process to develop our National Broadband Plan, which was informed by dozens of public hearings, we came up with the proposal for incentive auctions that uses market forces to reallocate spectrum for its most high-valued uses. Empowered by Congress, we are using our multi-stakeholder process and painstaking research and analysis to find the best design and course of action for the world's first incentive auctions, which are on track to take place in 2014.

Another example our approach would be Bill Shock. Back in 2011, the FCC considered making rules to curb the astronomical overage charges that many consumers were unknowingly incurring on their mobile bills. However, by engaging industry and public interest groups, and by keeping the FCC part of the conversation, the wireless industry updated their self-made code of conduct. As a result, without the FCC having to make a rule, virtually all wireless consumers in the U.S. will receive alerts warning them when they are about to reach their wireless usage limits, helping them avoid the shock that comes from sky high overage charges.

A third example would be our IP Transition Taskforce. We are seeing a multi-faceted communications transition, with several simultaneous and inter-related transitions. Physical networks are changing from copper to fiber. Communications protocols are migrating from TDM to IP. And wireless voice and data services are increasingly replacing wireline services not only due to consumer choice, but also as a result of changes in carrier business models.

It is the responsibility of the FCC, working with our state partners, consumers, and industry, to make sure our policies keep pace with this rapidly evolving communications landscape. In December 2012, my predecessor announced the formation of an agency-wide Technology Transitions Task Force to provide recommendations to modernize the Commission's policies, which build on our previous work. We have launched a series of workshops to establish a factual baseline for understanding these transitions. Based on this record, we will make the necessary updates our policies. This task force, and all of our work remains guided by a set of core principles that remain constant: universal service, promoting competition, consumer protection, and public safety. The International Bureau, led by Chief Mindel De La Torre, is happy to engage with you all on any of these or other issues. To be smart regulators, we need to continue to learn from each other.